

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JOSE MARTINEZ,)
)
Plaintiff,)
)
v.) No. 1:16cv392 LMB/JPA
)
DIVERSIFIED CONSULTANTS, INC.,)
)
Defendant.)

PLAINTIFF'S COMPLAINT

Plaintiff, JOSE MARTINEZ ("Plaintiff"), through his attorneys, FERRIS WINDER, PLLC, alleges the following against Defendant, DIVERSIFIED CONSULTANTS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§1331, 1337, and 15 U.S.C. §1692k.
3. Jurisdiction of this Court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiff is a natural person residing in Woodbridge, Prince Williams County, Virginia.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. §1692a(3).
7. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. §1692a(5).
8. Defendant is a debt collector as that term is defined by 15 U.S.C. §1692a(6).
9. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.
10. Defendant is a national collection agency headquartered in Jacksonville, Florida.
11. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.
12. When an unpaid, outstanding account is placed with Defendant it is assigned an account number.
13. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
14. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
15. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.
16. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

17. Defendant is attempting to collect a consumer debt from Plaintiff originally arising from a T-Mobile account.

18. Plaintiff's alleged debt owed arises from transactions for personal, family, and household purposes.

19. During litigation between Plaintiff and Defendant in *Martinez, Jose v. Diversified Consultants, Inc.*, case number 1:15-cv-00330-CMH-TCB, Defendant learned the alleged debt was not owed.

20. Despite Defendant's knowledge the debt was not owed by Plaintiff, in January, 2016, Defendant reported the account to the credit bureaus.

21. Specifically, Defendant reported the account to Equifax and TransUnion.

22. As a result of Defendant's incorrect reporting on Plaintiff's credit report, Plaintiff was denied for a refinance of his mortgage.

23. The natural consequences of Defendant's actions was to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

24. The natural consequences of Defendant's actions was to cause Plaintiff mental distress.

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

25. Defendant violated the FDCPA based on, but not limited to, the following:

a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, and abuse any person in connection with the collection of an alleged debt when Defendant reported the alleged debt to the Equifax and TransUnion despite having knowledge that Plaintiff did not owe the alleged debt;

b. Defendant violated §1692e(2)(A) of the FDCPA by falsely representing the character of any debt, when Defendant reported the alleged debt to the Equifax and TransUnion despite having knowledge that Plaintiff did not owe the alleged debt;

- c. Defendant violated §1692e(8) of the FDCPA by communicating to any person credit information which is known or which should be known to be false, when Defendant reported the alleged debt to the Equifax and TransUnion despite having knowledge that Plaintiff did not owe the alleged debt; and
- d. Defendant violated §1692f(1) of the FDCPA by collecting any amount unless amount is expressly authorized by the agreement creating the debt or permitted by law, when Defendant reported the alleged debt to the Equifax and TransUnion despite having knowledge that Plaintiff did not owe the alleged debt.

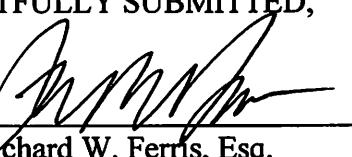
WHEREFORE, Plaintiff, JOSE MARTINEZ, respectfully requests judgment be entered against Defendant, DIVERSIFIED CONSULTANTS, INC., for the following:

- 26. Actual damages, pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692k;
- 27. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692k;
- 28. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692k; and
- 29. Any other relief this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Date: 4-4-16

By: /s/


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